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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/368,817	08/05/1999	SHARON R. GARBER	54419US1B014	5974
32692	7590	10/18/2005	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			KIM, AHSHIK	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/368,817	Applicant(s) GARBER ET AL. 	
	Examiner Ahshik Kim	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/25/05 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 20-23, 26-35 and 40-43 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-23 and 40-43 is/are allowed.
- 6) ☒ Claim(s) 1-6, 26-30 and 32-35 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/22/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment filed on July 25, 2005. No claims were
5 canceled, amended or newly added in the amendment. Currently, claims 1-6, 20-23, 26-35, and
40-43 remain for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
10 basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
15 patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 26-30, and 32-35 are rejected under 35 U.S.C. 102(e) as being anticipated by
20 Gelbman (US 6,753,830, hereinafter “Gelbman”).

Re claims 1-4, 6, 26, and 29, Gelbman discloses an electronic, radio frequency label 16
(col. 2, lines 10+; col. 4, lines 26+) comprising a display means 14 which displays either
machine-readable or human-readable information. The label obviously displays information
relevant to the items on which the label is attached. The displayable item-related information
25 includes item-specific information including location (col. 5, lines 60+). Some item-related
information such as lot number or manufacturer can certainly be used as a criterion for
classifying items.

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Re claim 5, the information stored in the label is prestored, preloaded or uploaded in the label (col. 4, lines 52-62).

Re claim 28, the items can be arranged In a series before they are interrogated.

Re claims 27, 30 and 32, in another embodiment, the location can be a cart (col. 21, lines
5 33-50).

Re claims 33-35, the locations can be a shelf (col. 14, line 66 – col. 15, line 7).

Allowable Subject Matter

4. Claim 31 is objected to as being dependent upon a rejected base claim, but would be
10 allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 20-23 and 40-43 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: the claims are directed at RFID system, particularly embodied in library materials wherein the items
15 are identified, located and shelved. The method for interrogating location of a tag by entering location into the tag and receiving signal is not disclosed or suggested by the cited references. Passing the cart through the tunnel as recited in claim 31 is also patentable over the prior arts. Claims 40-43 are patentable in that a card is used in locating the item of interest wherein the card is encoded with item information, and the card is read by the card reader, and location from the
20 card reader to the item is provided set forth in the claims.

Response to Arguments

7. Applicant's remarks filed on July 25, 2005 have been carefully reviewed and considered.

Examiner appreciates Applicant's pointing out that the RFID device is not an electronic label itself. Perhaps Applicant may want to amend the claim by "A device" or "A reader
5". Examiner is aware that "A barcode reader" may (or may not) contain barcode on it. It is simply a device to read a barcode. Careful reading of the claims would not misinterpret the claimed subject matter, however, it is the Examiners view that An RFID device conveys "a device containing RFID – "radio frequency identification" means, at least compared to "a barcode reader."

10 With respect to Applicant's argument, notwithstanding the above, it is the Examiner's view that Gelbman discloses the claimed subject matter disclosed in rejected claims. As indicated above, Gelbman discloses an RFID device to program/update RFID label in remote manner. The labels are machine-readable or human readable (col. 2, lines 10-24). The information can be updated remotely (col. 2, lines 25-33). In order to update/alter the
15 information, the information has to be recalled. As illustrated in figures 2 and 6, the activator 18 (col. 4, line 63 – col. 5, line 29) can be considered, as Applicant claimed, an RFID device.

Applicant's arguments have been carefully considered, but not persuasive. Accordingly, this Action is made final.

Conclusion

20 **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available for Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions or access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Ahshik Kim
Primary Examiner
Art Unit 2876
October 17, 2005

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